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Jonathan Edward Kirchner*

Via Electronic Case Filing and U.S. Mail

March 27, 2009

Hon. Carol Bagley Amon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Dasrath v. Ross University School of Medicine
CV 07-2433(CBA)(RER)

Dear Judge Amon:

This letter motion is respectfully submitted pursuant Local Civil Rule 1.4 and Rule 1(d) of Your Honor's Individual Motion Practices and Rules for the undersigned to be relieved as counsel of record for Plaintiff Anand Dasrath in regard to the above-referenced matter.

The basis for the instant application to be relieved as counsel is a result of a complete breakdown of the attorney-client relationship as described more fully in detail below.

The undersigned was retained by Plaintiff on May 15, 2008 to oppose Defendant's motion to dismiss Plaintiff's complaint and to cross-move for leave to amend the complaint. Despite opposing Defendant's motion and seeking leave of the Court to amend the complaint, Plaintiff, through an attorney fee dispute arbitration initiated by him and held on March 5, 2009 at the Suffolk County Bar Association, accused the undersigned of failing to perform the services for which I was retained.

Plaintiff alleged: (1) that I "fail[ed] to properly oppose the dismissal"; (2) accused me of refusing to conduct a telephone conference with the Court on May 29, 2008, even though same was cancelled by Court Order on May 23, 2008; and, (3) accused me of conducting legal research unnecessarily.

Plaintiff's conduct has made it unreasonably difficult for me to carry out my employment effectively pursuant to Disciplinary Rule 2-110(C)(1)(d) of the New York Lawyer's Code of Professional Responsibility.

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Additionally, Plaintiff has deliberately disregarded an agreement and obligation to me as to fees and expenses pursuant to Disciplinary Rule 2-110(C)(1)(f) in that Plaintiff refused to pay the undersigned thousands of dollars in fees incurred in representing Plaintiff in the instant action.

Granting this application will not prejudice Plaintiff in any way as papers in opposition to the Defendant's motion to dismiss have already been filed with the Court, as have papers seeking leave to amend the complaint. Upon information and belief, Plaintiff will have adequate time to engage the services of another attorney prior to the Court scheduling oral argument on the Objections to Magistrate Reyes' Report and Recommendation.

Wherefore, the undersigned respectfully requests that this Honorable Court grant the instant application for the Law Offices of Albert Adam Breud, P.L.L.C. to be relieved as Plaintiff's counsel of record.

Respectfully submitted,

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